

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08 CV 2520

SANNITI LLC,

Plaintiff,

-against-

VERIFIED COMPLAINT

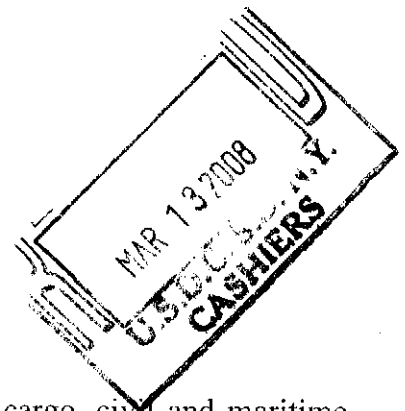
M.V. "MARIA PIA", her engines, boilers, etc., 08 CIV

-and against-

MEDITERRANEAN SHIPPING
COMPANY, S.A.

Defendants.

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JUDGE JONES

1. This is a case of contract, cargo damage and non-delivery of cargo, civil and maritime and is an admiralty and maritime claim within the meaning of the Rule 9(h). Plaintiff invokes the maritime procedures specified in Rule 9(h).
2. Plaintiff, SANNITI LLC, is a legal entity organized under the law, with an office located at 1275 Valley Brook Avenue, Lyndhurst, New Jersey 07071. Defendant, MEDITERRANEAN SHIPPING COMPANY S.A., is a legal entity organized under the law, with an agent, MEDITERRANEAN SHIPPING COMPANY (USA), INC. located at 420 Fifth Avenue, New York, New York 10018.
3. During all times herein mentioned, defendant was the owner and/or operator of the M.V. "MARIA PIA" and operated it in the common carriage of goods by water for hire between La Spezia and New York.
4. The M.V. "MARIA PIA" is now or during the pendency of this action will be, within this District.

5. On or about April 6, 2007, Italcheese Spa Mag Generali Reggiani delivered a shipment of 1,616 ctns of Italian parmesan cheese, asiago & pecorino cheese to defendant, as a common carrier at the port of La Spezia in good condition, for transportation on board the M.V. "MARIA PIA" to New York, in consideration of an agreed freight and pursuant to the valid terms and conditions of a clean on-board bill of lading issued by defendant and the M.V. "MARIA PIA".
6. Defendant caused said goods, still in good order and condition to be laden on board the M.V. "MARIA PIA". Upon information and belief, on or about April 20, 2007, the M.V. "MARIA PIA" arrived at the port of New York and delivered said shipment in a short, slack and damaged condition.
7. Prior to April 20, 2007, plaintiff became for value the owner of said shipment and the owner and holder of said clean on-board bill of lading and brings this suit on its own behalf and that of all others interested in said shipment.
8. All conditions precedent required of plaintiff and of all others interested in said shipment have been performed.
9. By reason of the premises, plaintiff and those on whose behalf this suit is brought have sustained damages in the sum of \$35,000, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

WHEREFORE, plaintiff prays:

1. That the M.V. "MARIA PIA" be arrested;
2. That process issue against defendant MEDITERRANEAN SHIPPING COMPANY S.A. and that defendant be cited to appear and answer the allegations of the complaint;

3. That an interlocutory judgment be entered in favor of the plaintiff against the M.V. "MARIA PIA", against defendants directing that the plaintiff recover its damages and that the M.V. "MARIA PIA", be condemned and sold and the proceeds of sale be applied to the payment to plaintiff of the sums found due it;
4. That the amount due plaintiff be computed by further proceedings before a Magistrate, pursuant to Rule 53(b) and/or by further proceedings before the Court, pursuant to Rule 42(b);
5. That final judgment against defendant and the M.V. "MARIA PIA", be entered in favor of the plaintiff for the amount found due plaintiff with interest and with costs; and
6. That plaintiff have such other and further relief as may be just.

Dated: New York, New York
March 11, 2008

McDERMOTT & RADZIK, LLP
Attorneys for Plaintiff

By: 

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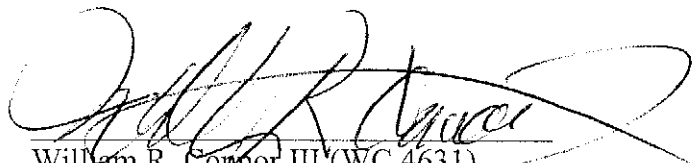
STATE OF NEW YORK)
 : S.S.
COUNTY OF NEW YORK)

WILLIAM R. CONNOR III, being duly sworn, deposes and says:


I am a member of the firm of McDermott & Radzik, LLP. attorneys for the Plaintiffs in this action.

I have read the foregoing Verified Complaint, know the contents thereof, and the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are documents in the possession of my firm.


William R. Connor III (WC 4631)

Sworn to before me this
11th day of March, 2008


Notary Public

MATTHEW T. LOESBERG
Notary Public, State of New York
No. 02LO6051626
Qualified in New York County
Commission Expires 12-4-2010